

# EXHIBIT DD

to

## **PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

**Civil Action No.: 1:10-cv-00986-JFA**

*Letter from DiBona dated 10/7/10*



# Aiken Regional MEDICAL CENTERS

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October 7, 2010

Mr. Carlos Milanes, CEO  
Aiken Regional Medical Centers  
302 University Parkway  
Aiken, South Carolina 29801

RE: Margo J Hein-Muniz, MD Peer Review Hearing

Dear Mr. Milanes:

The MEC has received the October 4, 2010 letter from counsel for Dr. Muniz requesting an appeal as provided in the Medical Staff By-Laws, Section 7.E.1 and 7.E.2.

The MEC reserves all its rights to submit its written statement as to all issues raised pursuant to 7.E.4 following the Chairperson of the Board setting the schedule for the appeal and Dr. Muniz submits her statement.

At this time , however, the MEC responds to the first ground raised by Dr. Muniz in her request for appeal which states, “(1) The Hearing Panel made its recommendation based on an incorrect burden of proof standard...” The MEC agrees that the burden of proof at the hearing was on the MEC irrespective of the bylaw provision at Section 7.D.2. Therefore the MEC requests that the Hearing Panel review and reconsider this matter based upon the agreed upon burden of proof standard and issue a revised report thereon.

Very truly yours,

Francis DiBona, MD  
Chief of Staff

cc: Thornwell Sowell, Esquire  
Celeste Jones, Esquire  
Ernie Nauful, Esquire

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